

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES ALEXANDER #136531,

Plaintiff,

No. 05-73073

Hon. Gerald E. Rosen

vs.

ANDREW JACKSON, et. al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on July 14, 2006

PRESENT: Hon. Gerald E. Rosen
United States District Judge

This Section 1983 prisoner civil rights matter having come before the Court on the June 9, 2006 Report and Recommendation of the United States Magistrate R. Steven Whalen recommending that the Court grant Defendant's motion to dismiss for failure to exhaust administrative remedies; and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation and the court having reviewed the Magistrate Judge's report and Recommendation, Plaintiff's Objections, and the Court's entire file of this action, and having concluded that, for the reasons stated in the Report and Recommendation, Defendant's motion should be granted and this case should, accordingly be dismissed, without prejudice, for failure to exhaust administrative remedies; and the court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of June 9, 2006 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant's Motion to Dismiss be, and hereby is, GRANTED. Accordingly, Plaintiff's Complaint is DISMISSED, without prejudice. Based on the foregoing, this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a).

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: July 14, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 14, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager